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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 004717.P001Total Pages 5First Named Inventor or Application Identifier Esme M. TaylorExpress Mail Label No. EL143568281US

1c571 U.S. PTO

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ADDRESS TO: Assistant Commissioner for Patents
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APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. X Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)
2. X Specification (Total Pages 44)
(preferred arrangement set forth below)
 - Descriptive Title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to Microfiche Appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claims
 - Abstract of the Disclosure
3. X Drawings(s) (35 USC 113) (Total Sheets 14)
4. X Oath or Declaration (Total Pages 5)
 - a. X Newly Executed (Original or Copy)
 - b. Copy from a Prior Application (37 CFR 1.63(d))
(for Continuation/Divisional with Box 17 completed) (**Note Box 5 below**)
 - i. DELETIONS OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
5. Incorporation By Reference (useable if Box 4b is checked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. Microfiche Computer Program (Appendix)

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ACCOMPANYING APPLICATION PARTS

8. _____ Assignment Papers (cover sheet & documents(s))
9. _____ a. 37 CFR 3.73(b) Statement (where there is an assignee)
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10. _____ English Translation Document (if applicable)
11. _____ a. Information Disclosure Statement (IDS)/PTO-1449
_____ b. Copies of IDS Citations
12. _____ Preliminary Amendment
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14. _____ a. Small Entity Statement(s)
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Serial/Patent No.: To be assigned Filing/Issue Date: ***
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Patent

United States Patent Application

for

A METHOD AND APPARATUS FOR PROVIDING SPONSORSHIP FOR A
DIRECTORY

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A METHOD AND APPARATUS FOR PROVIDING SPONSORSHIP FOR A DIRECTORY

FIELD OF THE INVENTION

The present invention relates to directories, and more specifically, to
5 providing sponsorship in conjunction with displaying a search result.

BACKGROUND

Currently, there are number of different yellow pages and white pages
available on the Internet. These yellow and white pages generally are free to the
users. The providers of the yellow pages receive revenue through two primary
10 methods: preferred placement of listings and banner advertising.

Preferred placement of listings means that someone who is in the yellow
pages, a listee, can purchase a preferred placement, for a fee. The preferred
placement places the listee's information at the top of the listing of names. Thus,
for example, if Zibo's Shoes purchases a preferred placement, when a user
15 searches for shoe stores, Zibo's listing will be at the top of the returned list of
stores. If, however, Zibo's does not purchase a preferred placement, then, since
most yellow pages are organized alphabetically, Zibo's will be at the bottom of
the returned list. This is disadvantageous to Zibo's. Furthermore, preferred
placement may be expensive, especially in areas that have large suppliers as well
20 as smaller suppliers. It is unlikely that a small shop having only a few
employees can compete with a retail giant for placement. Also, a user viewing
these pages would see the listings in an unexpected order based on placement

and would not be able to quickly locate Zibo's on the page. Therefore, this traditional method of gaining revenue is disadvantageous to the listees and users.

An alternative method of gaining revenue is by using banner advertising.

- 5 Banner advertising places a banner ad, traditionally about six inches long and one inch wide, across either the top or the bottom of the page being shown. Clicking on the banner ad follows the link to the advertiser's site. However, payment for banner ads is based mostly upon an action on the user's part. While placement of a banner ad may result in payment in some instances, most
10 payment is in response to a "click through", i.e., a user following the link provided by the banner ad and visiting the advertiser's web page. Click-through rates are low, and banner ads have not been found to be a sufficient source of revenue. Therefore, the use of banner ads is disadvantageous to the provider of the yellow pages.

SUMMARY OF THE INVENTION

A method for providing sponsorship for a directory comprises permitting a search of the directory. The method further comprises displaying a search result on a page, and incorporating a designated web page of a sponsor on the
5 same page as the search result.

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BRIEF DESCRIPTION OF THE DRAWINGS

The present invention is illustrated by way of example, and not by way of limitation, in the figures of the accompanying drawings and in which like reference numerals refer to similar elements and in which:

5 Figure 1 is a block diagram of one embodiment of a network.

Figure 2 is a block diagram of one embodiment of a computer system.

Figure 3 is a block diagram of one embodiment of the search results server.

10 Figure 4 is a block diagram of one embodiment of the advertising commoditizer.

Figure 5 is a flowchart of one embodiment of a user's interaction with the system.

Figure 6 is a flowchart of one embodiment of listee interaction with the system.

15 Figure 7 is a flowchart of one embodiment of a sponsor interaction with the system.

Figure 8A is a flowchart of one embodiment of auction resolution.

Figure 8B is a Venn diagram of one embodiment of auction resolution.

20 Figure 9A-B are flowcharts of one embodiment of automatic call connection.

Figure 10 illustrates one embodiment of a screen shot of a list of search results.

Figure 11 illustrates one embodiment of a screen shot of a single listing that is sponsored.

Figure 12 illustrates one embodiment of a screen shot of a single listing that is self-sponsored.

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DETAILED DESCRIPTION

A method of providing a searchable directory, and method of obtaining revenue, is described. A directory herein refers to a searchable list of items. For one embodiment, the search is in a set of online telephone listings, such as a yellow pages or white pages. Other embodiments may include a search directory of real estate currently on the market, a search of a single's directory, a white pages style directory of individual phone numbers, or a directory of e-mail addresses. Alternative directories may be used.

When the search result is displayed, a sponsor's information is incorporated with the page containing the search result. For one embodiment, the resulting web page incorporates listee information presented in HTML, attached to an HTML frame containing a web page of the sponsor of the particular listing. This permits the user to interact with the sponsor without having to "click through" and wait for a redirected page to load. This is advantageous to the user, since he or she can immediately interact with a sponsor, and advantageous to the sponsor, since no click-through is required, and the advertisement that reaches the user is a full page. Also, the user can immediately interact with the listee information, or with the directory, e.g., to make additional searches. An example of a list of search results is shown in Figure 10, and an example of a single search result including a sponsor's page is shown in Figure 11.

Sponsors need not generate a separate banner ads, but rather can use their front page - or any other page - to interact with the users. Other embodiments may incorporate the content information elsewhere on the screen or use a different method of incorporating the content with the sponsor's web page.

5 Furthermore, for one embodiment, the sponsor can purchase the sponsorship through an ad commoditizer. The ad commoditizer permits a sponsor to buy and sell sponsorships, either by fixed pricing or auction. The ad commoditizer also allows for sponsors to target their advertising more precisely.

10 For one embodiment, the system will also connect a user and a listee or sponsor if the user selects this option. For some embodiments, this may be made by a voice over internet telephone call, a multimedia connection, or other means. For some embodiments such a call is free to the user, is charged to the listee, sponsor, or advertiser. For one embodiment, the call is made by the system to both parties and then connected, initiated by the user making a toll free call to
15 the system. For some embodiments, the call may include additional data being passed, a call with verification of the parties involved, or a call with several of these attributes. These abilities may confer advantages to the user, such as free long distance calls, convenience in placing calls, or being sure of the identity of the party on the other side of the call. These abilities may confer advantages to
20 the listee such as encouraging users to place more calls to the listee.

Figure 1 is a block diagram of one embodiment of a network. Network 120 may be the Internet, a local area network (LAN), wide area network (WAN),

a wireless network, or another type of network. Network 120 provides access to directory 150 by various users 110, listees 130, licensees 180, and sponsors 140.

Although the network 120 is generally used as a connection among these units, embodiments also include connections using other means including e-mail,

5 facsimile, telephone, or alternative communication means.

User 110 may use the directory 150 to look up certain data. For one embodiment, directory 150 may be a yellow pages telephone directory. For another embodiment, directory 150 may be an alternate directory, such as a white pages telephone directory, directory of e-mail addresses, directory of
10 available real estate, dating personals, or another type of directory.

Directory 150 is coupled to databases 170. For one embodiment, databases 170 may be located within directory 150. Alternatively, databases 170 may be distributed databases. For yet another embodiment, databases 170 may include both internal databases, for items such as accounting and sponsorships, and
15 external databases, for items such as yellow pages listings. For one embodiment, databases 170 may be replicated or mirrored for better performance. For one embodiment, databases 170 may be replicated by licensees 180. Although databases 170 are referred to as these mechanisms, any data arrangement/storage mechanism may be used that can store data in a retrievable
20 form.

Directory 150 includes a plurality of listings. Each listing includes the data of a listee. Listees 130 may access directory 150 through the network 120 to

alter their own listings. As described below in more detail, listees 130 may further access directory 150 and provide self-sponsorship to their own listings. Furthermore, listees 130 may be sponsors 140.

Sponsors 140 may also access directory 150, via network 120 to purchase sponsorships of certain groups of listees and/or users. This is described in more detail below, in Figure 7.

For one embodiment, ad commoditizer 160 may further be coupled to network 120. Ad commoditizer 160 is designed to sell the sponsorships for placement of sponsor's information in the directory 150. As will be described in more detail below, ad commoditizer 160 permits a sponsor 140 to purchase sponsorships. Furthermore, for one embodiment, ad commoditizer 160 permits a broker to buy and sell sponsorships. For the remainder of this application, for simplicity, the term sponsor is used. However, it is to be understood that the term sponsor can refer to a broker. This type of commoditizing ensures that the sponsors 140 have optimal ability to target their advertising .

Licensees 180 may further be coupled to network 120. Licensees 180 may mirror directory 150, and use the databases 170 to display similar listings and sponsorships. For one embodiment, licensees 180 may be provided an incentive to mirror the directory 150, such as percentage of revenue.

Figure 2 is a block diagram of a computer system on which the software of the present invention may be implemented. It will be apparent to those of

ordinary skill in the art, however that other alternative systems of various system architectures may also be used.

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The data processing system illustrated in Figure 2 includes a bus or other internal communication means 245 for communicating information, and a
5 processor 240 coupled to the bus 245 for processing information. The system further comprises a random access memory (RAM) or other volatile storage device 250 (referred to as memory), coupled to bus 245 for storing information and instructions to be executed by processor 240. Main memory 250 also may be used for storing temporary variables or other intermediate information during
10 execution of instructions by processor 240. The system also comprises a read only memory (ROM) and/or static storage device 220 coupled to bus 240 for storing static information and instructions for processor 240, and a data storage device 225 such as a magnetic disk or optical disk and its corresponding disk drive. Data storage device 225 is coupled to bus 245 for storing information and
15 instructions.

The system may further be coupled to a display device 270, such as a cathode ray tube (CRT) or a liquid crystal display (LCD) coupled to bus 245 through bus 265 for displaying information to a computer user. An alphanumeric input device 275, including alphanumeric and other keys, may
20 also be coupled to bus 245 through bus 265 for communicating information and command selections to processor 240. An additional user input device is cursor control device 280, such as a mouse, a trackball, stylus, or cursor direction keys

coupled to bus 245 through bus 265 for communicating direction information and command selections to processor 240, and for controlling cursor movement on display device 270.

Another device, which may optionally be coupled to computer system 230, is a communication device 290 for accessing other nodes of a distributed system via a network. The communication device 290 may include any of a number of commercially available networking peripheral devices such as those used for coupling to an Ethernet, token ring, Internet, or wide area network. Note that any or all of the components of this system illustrated in Figure 2 and associated hardware may be used in various embodiments of the present invention.

It will be appreciated by those of ordinary skill in the art that any configuration of the system may be used for various purposes according to the particular implementation. The control logic or software implementing the present invention can be stored in main memory 250, mass storage device 225, or other storage medium locally or remotely accessible to processor 240. Other storage media may include floppy disks, memory cards, flash memory, or CD-ROM drives.

It will be apparent to those of ordinary skill in the art that the methods and processes described herein can be implemented as software stored in main memory 250 or read only memory 220 and executed by processor 240. This control logic or software may also be resident on an article of manufacture

comprising a computer readable medium having computer readable program code embodied therein and being readable by the mass storage device 225 and for causing the processor 240 to operate in accordance with the methods and teachings herein.

5 The software of the present invention may also be embodied in a handheld or portable device containing a subset of the computer hardware components described above. For example, the handheld device may be configured to contain only the bus 245, the processor 240, and memory 250 and/or 225. The handheld device may also be configured to include a set of
10 buttons or input signaling components with which a user may select from a set of available options. The handheld device may also be configured to include an output apparatus such as a liquid crystal display (LCD) or display element matrix for displaying information to a user of the handheld device. Conventional methods may be used to implement such a handheld device. The implementation
15 of the present invention for such a device would be apparent to one of ordinary skill in the art given the disclosure of the present invention as provided herein.

Figure 3 is a block diagram of one embodiment of the directory 150. Directory 150 includes user interface 310. For one embodiment, user interface 310 is a web page. For other embodiments, the user interface 310 is an
20 application on a wireless device, a Wireless Application Protocol (WAP) page, a dedicated client program, or other means. The user interface 310 permits a user to formulate a request for a lookup in database 350 using the search engine 320.

For one embodiment, if a user accesses the system through a licensee 180 (not shown), the user interface may be modified to reflect the trademarks or look-and-feel of the licensee.

The request received from the user is passed to search engine 320. Search engine 320 searches the database 350 to find the responses to user's request.

Database 350 includes a plurality of listees, and various types of data about the listees. For one embodiment, the data may include data added by the listee, as well as data such as rebates, coupons, the availability of free calls to the listee, chamber of commerce memberships, recommendations by other users, or other types of data. For one embodiment, this data may be displayed with the search results.

The results found by search engine 320 are displayed to the user through user interface 310. An example of such a list is shown in Figure 10. If the user selects one of the results for more detailed viewing, or if only one listee was found, the listee is passed to sponsor selection logic 340 by search engine 320. Sponsor selection logic 340 determines the appropriate sponsor to display with the selected listee from the sponsorships in the database 350. Sponsor selection logic 340 then retrieves the sponsor information from database 350, and passes it to framing logic 330. Framing logic 330 incorporates the sponsor information with the listee that was the search result.

For one embodiment, the sponsor information is a web page. For another embodiment, the sponsor's information may be a audio-visual or multimedia

recording. For one embodiment, framing logic 330 frames the listee information in the web page with the sponsor's web page in an HTML frame below it. For one embodiment, the listee information may be incorporated at another location in the web page. For one embodiment, the sponsor's web page is displayed in its entirety. For one embodiment, the sponsor's listee information is incorporated along with the sponsor's information. Thus, for example, if the sponsor is CDNow, the user can freely navigate the CDNow front page, when he or she receives the search result. An example of this display is shown below in Figure 11. For another embodiment, the framing logic 330 may incorporate data from the sponsor in the result. For one embodiment, the hypertext links in the incorporated sponsor's web page may be rewritten to keep navigation information for the bookkeeping/accounting logic 370.

Sponsor selection logic 340 further communicates with bookkeeping/accounting logic 370. In some cases, a sponsor is charged by the impression, i.e., the number of times a sponsor information is displayed. For one embodiment, an impression is a page view. Thus, bookkeeping/accounting logic 370 tracks the number of times the sponsor information is displayed, along with other data. This other data may include the category of the listing displayed (e.g. dentist in San Diego), or data about the user, e.g., that searcher is in a certain demographic group located in San Diego. This data may be used for statistical or accounting purposes. Furthermore, this data may be used to provide rewards or incentives to the user. This data may also be used to share revenues or provide

incentives to licensees. For one embodiment, the user's individual privacy is guaranteed by the system and only cumulative data is provided to the sponsors, no individually identifiable data is provided.

For one embodiment, directory 150 may further include call connection logic 360. Directory 150 may provide the ability to make a connection on behalf of the user. For one embodiment, a "call now" or similar button is displayed with the result. If the user selects it, the listee data is forwarded to the call connection logic 360, and the call is initiated. For one embodiment, a "call now" or similar button is also displayed with the sponsor information. If the user selects that button, the sponsor information is forwarded to the call connection logic 360. For one embodiment, the call connection logic 360 is also connected to bookkeeping/accounting logic 370. This permits listees and sponsors to be appropriately changed for calls. This process is described in more detail below with respect to Figures 9A and 9B.

Figure 4 is a block diagram of one embodiment of the advertising commoditizer 160. Advertising commoditizer 160 includes a sponsor interface 410, which permits sponsors 140 and brokers to log into the system to buy and sell advertising. For one embodiment, sponsor interface 410 may be a web page, an application on a wireless device, a Wireless Application Protocol (WAP) page, a dedicated client program, or other means. Sponsor interface 410 permits a sponsor to search the database 350, to determine what groups are available for sponsorship. For one embodiment, sponsorship may be based on a variety of

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factors of the listee or the user, including: a ZIP code, a city, a demographic, a keyword, a Standard Industrial Classification (SIC), or an individual listing.

Note that the term "sponsor" refers to an individual, group, or corporation that purchases a block of space for advertising. For one embodiment, the sponsor need not actually have any advertisement to display. Rather, a sponsor may act as a broker and purchase a block of space, and then resell it via the auction described below. Alternatively, a group may purchase a block, and allocate it among the participants in the group or resell portions using the ad commoditizer. In this way, the advertising commoditizer 160 permits various types of advertising purchases, including as speculation.

For one embodiment, the sponsorship may be based on listee data. For example, a sponsor may choose to sponsor listees that are orthodontists. Thus, when a user searches for an orthodontist, the sponsor's information may be the advertisement displayed. For one embodiment, the sponsorship may be based on user data. For example, the sponsor may chose to sponsor all searchers within a specific area. Thus, when a user from San Diego searches for any listee, the sponsor's information may be the advertisement displayed. This type of allocation is described in more detail with regard to Figure 8B.

When the sponsor determines what group to sponsor, a price is quoted to the sponsor by pricing logic 420. For one embodiment, pricing logic 420 includes a current fixed price value for the sponsorship. For one embodiment, the prices in pricing logic 420 may be adjusted based on other sponsorship auctions.

Although not shown in this Figure, sponsors may manage their sponsorships, offer their sponsorships for sale, change billing information, view current sponsorships, and change the sponsor information associated with each sponsorship. The details of this type of management are obvious to one of
5 ordinary skill in the art.

Figure 5 is a flowchart of one embodiment of a user's interaction with the system. The process starts at block 510, when a search page is displayed to the user. For one embodiment, the search page that is displayed permits the user to search by category, name, location, and/or other features.

10 At block 515, a search criteria is received from the user. For example, for a yellow pages directory, the search criteria may be "Doctors in San Diego, California." The search criteria may be entered manually, selected from a pull-down menu, or selected in another way.

15 The process then searches the database, and at block 520, determines whether there are any results. Note that results are listees. If there are no results, the process returns to block 515, permitting the user to modify his or her search criteria, in order to obtain results.

If results are found, the process at block 525 determines whether there is only one result. If there is only one result, the process continues directly to block
20 560. If there are multiple results found, the process continues to block 530. At block 530, the process displays a list of the results. Figure 10 illustrates one embodiment of such a display.

For one embodiment, a key element of the results are missing in this display. For example, if the search is of a yellow pages, the telephone numbers may not be displayed on this page. For one embodiment, however, the user may directly make a call from this page by selecting a "call now" option. This option is discussed in more detail below, with respect to Figures 9A and 9B.

At block 535, the user selects one of the results. For one embodiment, the user would select the result in order to obtain the telephone number or other key element not displayed on the multiple listings page.

At block 540, the appropriate sponsorship for this listee is selected from the database. As discussed above sponsors purchase sponsorships to have their sponsor information incorporated with the listee information. There are several embodiments for selecting the appropriate sponsorship. For one embodiment, listees that have chosen to self sponsor (as described below with respect to Figure 6 and shown in Figure 12) have their own information incorporated as the sponsor. For one embodiment, the choice of sponsorship for each listee is assigned in batch either periodically or at the time sponsorship is purchased. For one embodiment, the sponsor selection logic selects from available sponsorships based on the highest bid. For one embodiment, the sponsor selection logic selects from available sponsorships based on a computation using the bid price, estimates of ease of fulfilling each sponsorship, and other factors. Issues where multiple sponsorships may be available are also discussed below in regards to Figures 8A and 8B.

At block 545, the information for the listee and the sponsor information for the selected sponsorship are incorporated together and displayed to the user. Figures 11 and 12 show this type of display. For one embodiment, the user may directly make a telephone call from this page by selecting the "call now" option.

5 This option is discussed in more detail below, with respect to Figures 9A and 9B.

At block 550, the accounting/tracking information is updated. For one embodiment, this includes updating the number of impressions of the particular sponsor's information, as well as various data on the user and the result selected.

For one embodiment, this includes tracking user demographics, when known.

10 For one embodiment, this includes tracking the licensees in the user interaction.

The process then ends at block 555. For one embodiment, the user may return to view another page, or return to block 530, the listing of all of the results, and select a different result to view, or execute a new search.

Figure 6 is a flowchart of one embodiment of listee interaction with the system. The process starts at block 610, when a listee logs into the system. For one embodiment, listee log-in occurs on a web page. For one embodiment, the listee could identify him or herself to the system by placing a phone call from a known location. For one embodiment, the process could confirm the listee identity via an e-mail or phone call. For one embodiment, the process could allow the listee to identify himself or herself from a web page and then verify via an e-mail or phone call. For one embodiment, the page referring the listee to the log-in screen is noted for accounting and future revenue sharing.

At block 615, the process prompts the listee to add more information to the listing. For one embodiment, for a listing in a yellow pages, this information could include business information such as hours, alternate telephone numbers, types of credit cards accepted, slogans, critics' ratings, or other data. Figure 11 includes such additional data. For one embodiment, for a listing including individuals, this information could include personal information such as dating status, hobbies, or religious preference. For one embodiment, for a listing such as a property listing, this information could include property information such as size, number of bedrooms, number of bathrooms, and sales commission rates. For one embodiment, this information is added to the listing free of charge to the listee. This additional information is stored in the database of listee data.

At block 620, the system determines if the listee wishes to self sponsor. For one embodiment, this may include presenting the listee with current costs and terms for self sponsorship and waiting for a response. If the listee does not wish to self sponsor, the process continues to block 655, and the listee is logged out. For one embodiment, changes to listee data may be verified before they are added to the directory. The process then ends at block 660.

If the listee wishes to self sponsor the process continues to block 625. At block 625, the listee is prompted to identify whether the listee has a URL (Universal Resource Locator) ready for self-sponsorship. For one embodiment, the URL is limited to that of a web page. For one embodiment, the URL can be a web page or any audio-visual or multimedia content that can be incorporated

with the listee's information. For one embodiment, any method of identifying content can be used in place of a URL. If the listee already has an existing URL he or she wants to use as the self-sponsorship information, then the process continues to block 645. For one embodiment, this process may be discontinuous.

5 In other words, a listee may decide to self-sponsor, but select to log in later to identify a URL, and/or create a page. If the listee does not have a URL, the process continues to block 630.

At block 630, the listee is presented with and prompted to accept a hosting agreement. For one embodiment, this hosting agreement may have additional fees associated with it. For one embodiment, this hosting agreement may be with a third party web hosting company. For another embodiment, block 630 may be skipped, and the listee may be directly referred to a third party web hosting system, and the present system would receive the URL generated by that third party web hosting system.

15 The system then guides the listee through designing a web page or other content at block 635. For one embodiment, this may involve entering information into on-line forms. Other methods of collecting information, graphics, and preferences to make a web page, are obvious to those of ordinary skill in the art

20 At block 640, the system uses the information collected at block 635 to create a web page that can be accessed with a specific URL. The URL for this

created page can than be used in the same way as if a the listee had an existing URL.

At block 645, the URL, either provided by the user at block 625 or created at block 640, is recorded in the database of sponsorships as the listee's self-sponsored information. Self-sponsorship is one specific method of sponsorship that applies only to the listee's own listings. For one embodiment, the listee's URL is stored with the listee's record in the database. For one embodiment, a page is composed with the listee information and the listee URL and stored as a single unit. Figure 12 shows one embodiment of a display including self-sponsorship.

At block 650, the listee is prompted to pay and accept the self-sponsorship contract. Accounting information is then recorded in a database. For one embodiment, this type of sponsorship may be a fixed fee per time period. For one embodiment, this may be a fee based upon one transaction, e.g., until the sale of a property. For one embodiment, this fee may be based on the number of times a listee's page is viewed. For one embodiment, the payment is accepted via online payment processing service. For one embodiment, the listee is required to accept accompanying terms and conditions with the contract. For one embodiment, the listee may be contacted when the term of service nears expiration. At block 655, the system logs out the listee, and the process ends at block 660.

Figure 7 is a flowchart of one embodiment of a sponsor interaction with the system. The process starts at block 710 with the sponsor logging in and identifying himself or herself to the system. For one embodiment, sponsor log-in occurs on a web page. For one embodiment, the sponsor could identify him or herself to the system by placing a phone call from a known location. For one embodiment, the process could confirm the sponsor's identity via an e-mail or phone call. For one embodiment, the process could allow the sponsor to a identify himself or herself from a web page and then verify via an e-mail or phone call. For one embodiment, the page referring the sponsor to the log-in screen is noted for accounting and future revenue sharing.

For one embodiment, the sponsor could identify himself or herself by placing a phone call from a known location. For one embodiment, the page referring the sponsor to the login screen is noted for accounting and future revenue.

At block 715, the process prompts the sponsor to select a group of listings or users based on various available criteria. For one embodiment, these criteria could be entered with pull down menus. For one embodiment, these criteria could be entered in a form. For one embodiment, the criteria could be entered interactively, updating the available number of sponsorships as each criterion is chosen. Other means of selecting criteria may be used. For some embodiments, the criteria could include information about the listees including Zip codes, industry, SIC codes, area codes, geographic location, distance from another

known location, size of the business, or other criteria. For one embodiment, criteria could include demographics, when known, about the user of the system. For example, a sponsor could select for users known to be located in California. Other criteria may be used.

5 For one embodiment, the sponsor is informed of the auction status and current high bid for auctions with similar sets of criteria. For another embodiment, the sponsor is not informed of the auction status or current high bid for auctions with similar sets of criteria. The sponsor can select a group that is available or in auction.

10 At block 720, pricing logic computes a fiat price offered to the sponsor to purchase the sponsorship for group. For one embodiment, this fiat price could apply to a set number of impressions. For one embodiment, it could apply to a set period of time. In yet another embodiment, it could apply to a combination of impressions and time. For one embodiment, the fiat price is computed from
15 the historical average of prices of similar previous sponsorships. For one embodiment, the fiat price is adjusted based on current and previous auction prices. For one embodiment, the fiat price is adjusted based on the expected impressions, and current indications of demand for sponsorship, including active auctions. For one embodiment, the fiat price is adjusted based on what other
20 sponsorships and business relationships exist with the sponsor. For one embodiment, the fiat price is always higher than the current highest bid price for auctions with the same or similar criteria.

At block 725, the process determines whether the sponsor agrees to this fiat price. The sponsor may choose to accept this fiat price and proceed to payment and sponsorship as described at block 730. Alternately the sponsor may decline to pay the fiat price. For one embodiment, the fiat price may be an offer good for a specific period of time, for example one day. For one embodiment, the fiat price may have to be accepted or declined immediately. For some embodiments, the sponsor may have the option of paying additional fees for demographic information about the user (when known) viewing the sponsorship information or information about the specific listees incorporated with the sponsorship information.

If the sponsor accepted the fiat price at 725, then, at block 730, the process accepts payment for the sponsorship. For one embodiment, payment may be made using an online credit card acceptance service. For one embodiment, the system may only record the promise to pay and bill the sponsor for all related sponsorships using an accounting system.

For some embodiments, some or all of the sponsorship being purchased may have been offered by a broker and the process will arrange for some or all of the payment to be directed to the broker.

At block 735, the new sponsorship is added to the database. For one embodiment, the sponsor enters a URL as sponsor information for this sponsorship. For one embodiment, the URL is limited to that of a web page. For

one embodiment, the URL can be a web page or any audio-visual or multimedia content that can be incorporated with a listee's information.

The record and terms for the sponsorship are added to the database so that the sponsorship can be selected by the sponsor selection logic.

5 At block 740, the sponsor has the option of continuing to purchase sponsorships or of exiting the system. If the sponsor chooses to continue purchasing sponsorships, the process returns to block 715. If the sponsor chooses to exit the system, the system logs out the sponsor at block 745 and the process exits at block 770.

10 If the sponsor chooses not to accept the fiat price at block 725, the process continues to block 750. The sponsor is given the option to place a bid and enter into an auction for this sponsorship. For one embodiment, this auction may be combined with an existing auction with the same criteria. For one embodiment, this auction may be combined with an existing auction of similar criteria. For
15 one embodiment, this offer to enter into auction may include modified terms. For one embodiment, these modified terms may include a lack of guarantee that the contract will be completed. If the sponsor chooses not to enter into auction for this sponsorship, the process continues to block 740.

20 If the sponsor agrees to place a bid, the process continues at block 755. At block 755, the sponsor is asked to enter a bid price. For one embodiment, a minimum bid price is computed as a function of similar auctions. For one embodiment, a minimum bid is computed from historical data. For one

embodiment, the minimum bid adjusted by other auctions currently taking place or other indications of demand.

At block 760, the bid is recorded in the database. For one embodiment, the sponsor is asked for a URL of sponsor information for this sponsorship, as described above. For one embodiment, the sponsor is asked to select a notification format.

At block 765, sponsors of competing bids are notified of this bid using the notification system. For one embodiment, a competing bid may be determined as one made for an auction with the same or similar set of criteria. For one embodiment, a competing bid may be determined as a bid for an auction with overlapping areas as explained below with regard to Figure 8B. For one embodiment, a competing bid may be determined as a bid for an auction with a similar set of selected criteria such that it is unlikely that both sponsorships could be fulfilled.

After notifying sponsors of competing bits, the process continues to block 740.

Figure 8A is a flowchart of one embodiment of auction resolution. The process starts at block 810. The process then continually checks for expiring auctions at block 815. An auction can expire after a specified time period, after a certain number of bids, by operator intervention, or after a period of time has elapsed in which no new bids are entered. For some embodiments, an auction expires because the process determines that it is unlikely, or that the likelihood is

reduced, that the sponsorship offered by this auction could be fulfilled. This could occur when self-sponsorship reduces availability. This could occur when a new sponsorship with similar criteria to the current auction is accepted, either from a different completed auction or by a fiat price purchase. Figure 8B

5 explains some issues associated with supply estimation among same and similar auctions. A person ordinarily skilled in the art could determine other methods of expiring, or terminating an auction.

If no auctions are expiring, the system waits until an auction is expiring (returns to block 815). For one embodiment, the system may monitor for internal or external events that signify an auction is expiring.

If any auctions are expiring, the process continues at block 820. At block 820, the system selects the next expiring auction from the set of active auctions.

At block 825, the system selects the winning sponsorship bid for this auction. For one embodiment the winning sponsorship bid is simply the highest price bid. For one embodiment, the winning sponsorship may be selected based on the highest expected return from satisfying that bid. For example, a long term medium priced contract may be selected over a short term but higher priced contract. For one embodiment, no bid is guaranteed to win an auction, the auction may end with no winners. For one embodiment, multiple bids will

15

20 accepted, limited by the expected ability to fulfill those contracts. The process then continues to block 830. If multiple bids are accepted, then each accepted bid continues to block 830.

At block 830, an accepted bid is converted to a sponsorship and is added to the database so that the sponsor selection logic can select that sponsor. For one embodiment, the sponsor is requested to provide URL for sponsorship information if that information is not already in the database. This request may be made through e-mail, the notification system, or other means.

At block 835, the sponsor of the winning sponsorship is billed. For some embodiments, some or all of the sponsorship being purchased may have been offered by a broker and the process will arrange for some or all of the payment to be directed to the broker.

At block 840, sponsors not selected are notified. For one embodiment, the notifications can be sent using the notification system. At block 845, the auction is marked as completed and the process continues to block 815.

Figure 8B is a Venn diagram explaining some issues of supply estimation among same and similar auctions. Each set 860, 870, 880, and 890 represents a set/group of listees that can be sponsored, and the diagrams show an illustrative price for this sponsorship represented as either a cost per impression or cost per time period. Because each time a listee's information is viewed, only one sponsor's information can be incorporated with that listee's information, care must be taken when accepting sponsorships not to exceed the available supply of listees or listee impressions.

For example, accepting an exclusive contract for all impressions of set A 860 precludes accepting a sponsorship of set B 870, and diminishes the portion of listees and impressions available for sponsorship from set C 880 and D 890.

For one embodiment, after a sponsorship of impressions of set A 860 are sold, it may be possible to sell another sponsorship for set A if the total impression requirements of both sponsorships are less than or equal to the expected impressions of set A.

For one embodiment, even after a sponsorship of impressions of set A 860 are sold, sponsorships of set B 870 may be sold without a guaranteed minimum number of impressions. This may provide impressions to the sponsor of set B either when all the impressions in for the sponsorship of set A have been used, or on an alternate basis.

For one embodiment, if a listee is present in both set A and set C, then the sponsorship for set C will be chosen as the sponsor incorporated with the listee because of the higher impression price of set C. For one embodiment, the sponsorship for set A may be chosen to fulfill the sponsorship requirements of set A. For one embodiment, sponsorships of sets A and C may be chosen alternately based on a schedule. For one embodiment, this schedule may be based on the ratios of number of impressions or value of impressions purchased for the sponsorships of sets A and C.

Set D 890 shows a time period purchase with no number of impressions. For one embodiment, set D may purchase all impressions for a time, or some

ratio of impressions for a time. If all impressions are purchased, and a listee in present in both set A and set D, then the sponsorship for set D will be chosen until the time period expires.

Figures 9A and 9B are flowcharts of one embodiment of automatic call connection. The process starts at block 910 wherein the call is initiated. When the process is initiated the first call destination is set by the process initiator. In most embodiments, the first call destination is the listee or sponsor for which the user has pressed a "call now" or similar button.

At block 915, the call connections are initiated. Two connections are initiated: one between the user and the system, and one between the system and the destination listee or sponsor. A connection represents a real time communications path between parties. The connections may be voice only calls, may be made over the public telephone system, may be made as Internet Protocol (IP) telephony calls, may be multimedia calls or may include text, graphics and web pages. For one embodiment, the connections may include authentication of parties involved, may transmit additional information about the parties involved, or may transmit demographic information about the parties involved.

For one embodiment, the connection between the user and the system is made via a telephone call initiated by the user. For one embodiment, the connection between the user and the system is made via a telephone call initiated

by the system. For one embodiment, additional information is transmitted to better interact with an automatic call distributor (ACD) or call center.

For one embodiment, the user is not charged for the call. For another embodiment, the sponsor is charged for the call. For one embodiment, the listee
5 is charged for the call.

After initiating these two call connections, the process continues to blocks 920 for the user and to block 925 for the destination.

At block 920, the process selects and plays an advertisement to the user.

For one embodiment, this may include instructions. For one embodiment, when
10 the destination is a listee, this advertisement may be on behalf of the sponsor of the listee selected. For one embodiment, this advertisement may include content hosted on a sponsor's system. For one embodiment, this advertisement may include sound and multimedia. For one embodiment, this advertisement may include both an audio portion as well as advertisement played on the user's
15 computer screen. For one embodiment, the sponsor for this call may be different than the sponsor of the listee that the user is calling. After playing this advertisement, the process continues to block 940.

At block 925, the process determines if the destination is a new prospect for becoming a sponsor or for self-sponsorship. Thus, if the destination is a
20 sponsor instead of a listee, it is not a new prospect. For one embodiment, this determination is made based on the number of times this destination has been called using this system. For some embodiments, this determination takes into

account the availability of live operators, time of day, and business hours of the destination if known. If the destination is judged to be a good new prospect, control is passed to block 935. A live human operator announces the incoming call from the user, and may explain about the service or otherwise try to further a sales process. If the destination is not judged to be a good new prospect, an appropriate recorded or generated message may be played to the destination at block 930. For one embodiment, this message indicates that the source of the call is the directory, system, and/or the appropriate licensee. From either 930 or 935, the process continues to block 940.

At block 940, the process waits for the two simultaneous paths started from block 915 to reach this point. If both the user and listee successfully connect, the process continues to block 965 and the system connects the user and destination for the call. However, if either the user or listee are unable to connect, or disconnect during the advertisement, the process continues to block 945.

At block 945, a message may be played to the user asking the user to approve redirection, that is, to be connected to another sponsor. For one embodiment, this sponsor may not be the original sponsor of the listee. For one embodiment, alternate sponsors may be chosen after a connection has been attempted to the primary sponsor. For one embodiment, if the user has disconnected, a new connection is established with the user. At block 950, all the particulars of the call are stored in a database.

At block 955, the process determines if the user consented to being redirected. Any connection still open to the destination is closed. For one embodiment, this determination is made by an affirmative action from the user, such as touching a number on a phone keypad or clicking on a button. For one
5 embodiment, inducements to the user, such as rewards program points, are offered for accepting the redirection. For one embodiment, the user remaining connected is viewed as consent. For one embodiment, if the user has disconnected, the process ends at block 960. If the process determines the user allowed redirection, then the process continues by selecting an appropriate
10 sponsor as the new destination and continuing to block 915. Otherwise, the process terminates at block 960.

From block 940, if both the user and destination are connected, the process continues to block 965. At block 965, the user and the destination are connected. For one embodiment, this connection has a limited duration. For some
15 embodiments, the connection has a longer or unlimited duration if the destination is a sponsor or a listee that has self-sponsored. For one embodiment, a warning is given before the connection is terminated. For one embodiment, the user and destination are instructed to break the connection by pressing a button or icon. The process continues to block 970 when the call ends from either the
20 process determining to break the connection between the user and the destination, or by either the user or destination breaking the connection. For one embodiment, if the user or destination hangs up, a new connection is made with

them before continuing. When the call is disconnected, the process continues to block 980 for the destination and block 975 for the user.

At block 975, the user is asked to provide rating information. For one embodiment this information includes ratings about the service received from the destination. For one embodiment, this information includes a rating used to refine matching in a dating service. For one embodiment, this information includes a rating of the directory or system. For one embodiment, information may include the user indicating if a purchase was made, the level of courtesy shown, or the truthfulness of advertised statements. For one embodiment, if the directory is a singles service, information may include a rating of the desire to meet again. The process then continues the user's connection with block 945.

At block 980, the destination is asked to provide rating information. For one embodiment, this information includes rating of the worth of the user as a potential customer, singles date, etc. For one embodiment, this information includes a rating indicating if a purchase was made. For one embodiment, this information includes a rating of the directory or system.

The process continues to block 985 where an advertisement may be played. Information and particulars about this call are then stored in a database at block 990. For one embodiment, this information may include information used to drive profit sharing among licensees. The process then terminates the connection to the destination and ends the destination's process at block 995.

In the foregoing specification, the invention has been described with reference to specific exemplary embodiments thereof.

It will, however, be evident that various modifications and changes may be made thereto without departing from the broader spirit and

5 scope of the invention as set forth in the appended claims. The specification and drawings are, accordingly, to be regarded in an illustrative rather than a restrictive sense.

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CLAIMS

1 1. A method comprising:
2 permitting a search;
3 displaying a search result; and
4 incorporating a designated web page of a sponsor on the same page as the
5 search result.

1 2. The method of claim 1, further comprising:
2 displaying a plurality of results on a single page, with no sponsors; and
3 when a user selects a single result, displaying the selected result with the
4 incorporated designated web page of a sponsor.

1 3. The method of claim 1, wherein the plurality of results are
2 displayed with an essential element missing.

1 4. The method of claim 3, wherein the essential element comprises a
2 telephone number in a telephone directory.

1 5. The method of claim 4, wherein the plurality of results are
2 displayed with a "call now button" that automatically connects the user with the
3 listee selected.

1 6. The method of claim 5, wherein a telephone call using the call now
2 button is free to the user.

1 7. The method of claim 6, wherein the telephone call may be charged
2 to one of the following: the listee selected, the sponsor of the listee selected, or
3 another sponsor.

1 8. The method of claim 5, further comprising playing a advertising to
2 the user prior to connecting the user with the listee selected.

1 9. The method of claim 5, further comprising playing an advertising
2 to the listee prior to connecting the user with the listee.

1 10. The method of claim 1, further comprising displaying a licensee's
2 data if the user connected to the directory from a licensee.

1 11. The method of claim 10, further comprising tracking the user for
2 statistical and revenue sharing purposes.

1 12. A method comprising:
2 permitting purchase a sponsorship of at least one listing based on a
3 criteria; and

identifying a designated web page for incorporation on the same page as
the listing, when the sponsored listing is displayed as a search result.

13. The method of claim 12, wherein the criteria comprises one or more
of the following: a ZIP code, a city, a region, a telephone number, an SIC code, a
demographic, a keyword, or an individual listing.

14. The method of claim 13, wherein the demographic may be selected
by a location of a user of the search.

15. The method of claim 13, wherein the demographic may be based on
a SIC code.

16. The method of claim 13, wherein the demographic may be based on
a category of the listing.

17. The method of claim 12, further comprising:
receiving a request for sponsorship of a group based on the criteria;
determining if the group is available for sponsorship; and
if the group is available for sponsorship, quoting a list price for the group.

18. The method of claim 17, further comprising:

if the sponsor agrees to pay the list price,
requesting the designated web page from the sponsor; and
adding the sponsor and the designated web page into a database.

19. The method of claim 18, further comprising:
linking the selected listee to the sponsor's web page;
designating a length of time the sponsor is linked to the listee;
selecting a number of times the sponsor wants the sponsor's page to be
shown; and
setting a price for the sponsor.

20. The method of claim 18, wherein setting the price comprises setting
a price per impression or setting a price per time period.

21. The method of claim 17, further comprising:
if the sponsor declines to pay the list price,
prompting the sponsor to enter a bid for the sponsorship of the group;
and
opening an auction for the sponsorship of the group.

22. The method of claim 17, further comprising:
notifying bidders of the sponsorship of an outcome of the auction; and

3 requesting the designated web page for the group from the sponsor who
 4 won; and
 5 adding the sponsor and the designated web page into a database.

1 23. The method of claim 12, wherein the sponsorship comprises a price
 2 for each impression of the sponsor's designated web site with the at least one
 3 listing.

1 24. The method of claim 12, wherein the sponsorship may be a self-
 2 sponsorship, such that a web page displayed is a web page of the listee.

1 25. An apparatus for showing search results comprising:
 2 a database including a plurality of searchable listings;
 3 a user interface for receiving a search from a user;
 4 a searching logic for searching the plurality of listings in response to the
 5 search;
 6 a linking logic for linking a result of the search to a sponsor; and
 7 the user interface for displaying a result of the search and incorporating a
 8 designated web page of the sponsor on the same page as the result.

1 26. The apparatus of claim 25, further comprising the linking logic for
 2 linking a licensee to the listee and the sponsor.

ABSTRACT OF THE DISCLOSURE

A method for providing sponsorship for a directory comprises permitting a search of the directory. The method further comprising displaying a search result on a page and incorporating a designated web page of a sponsor on the same page as the search result.

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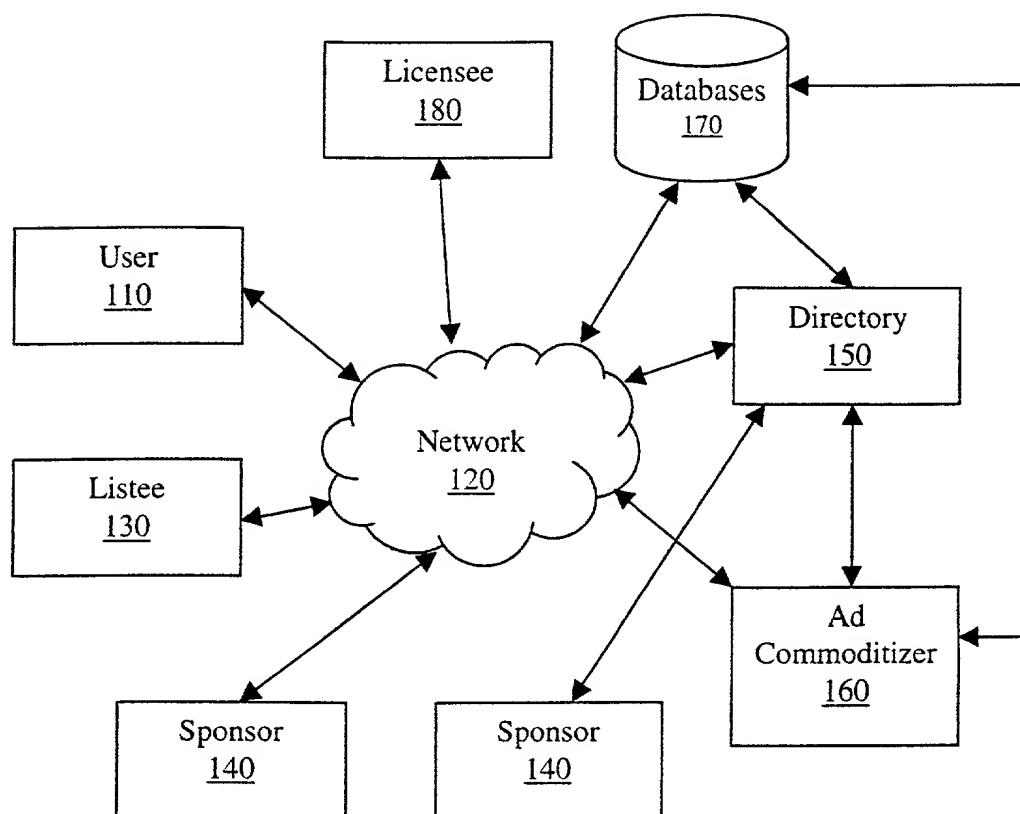


Figure 1

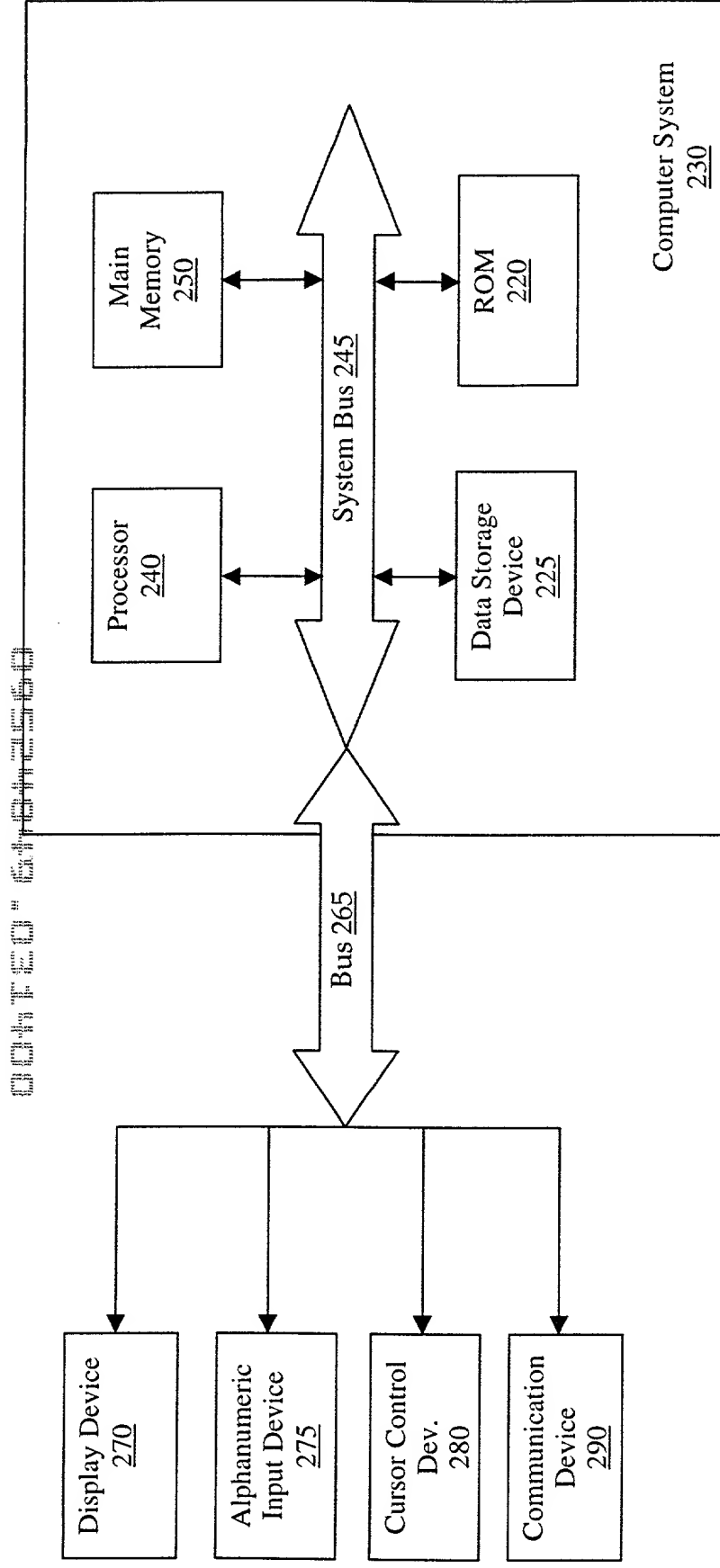


Fig. 2

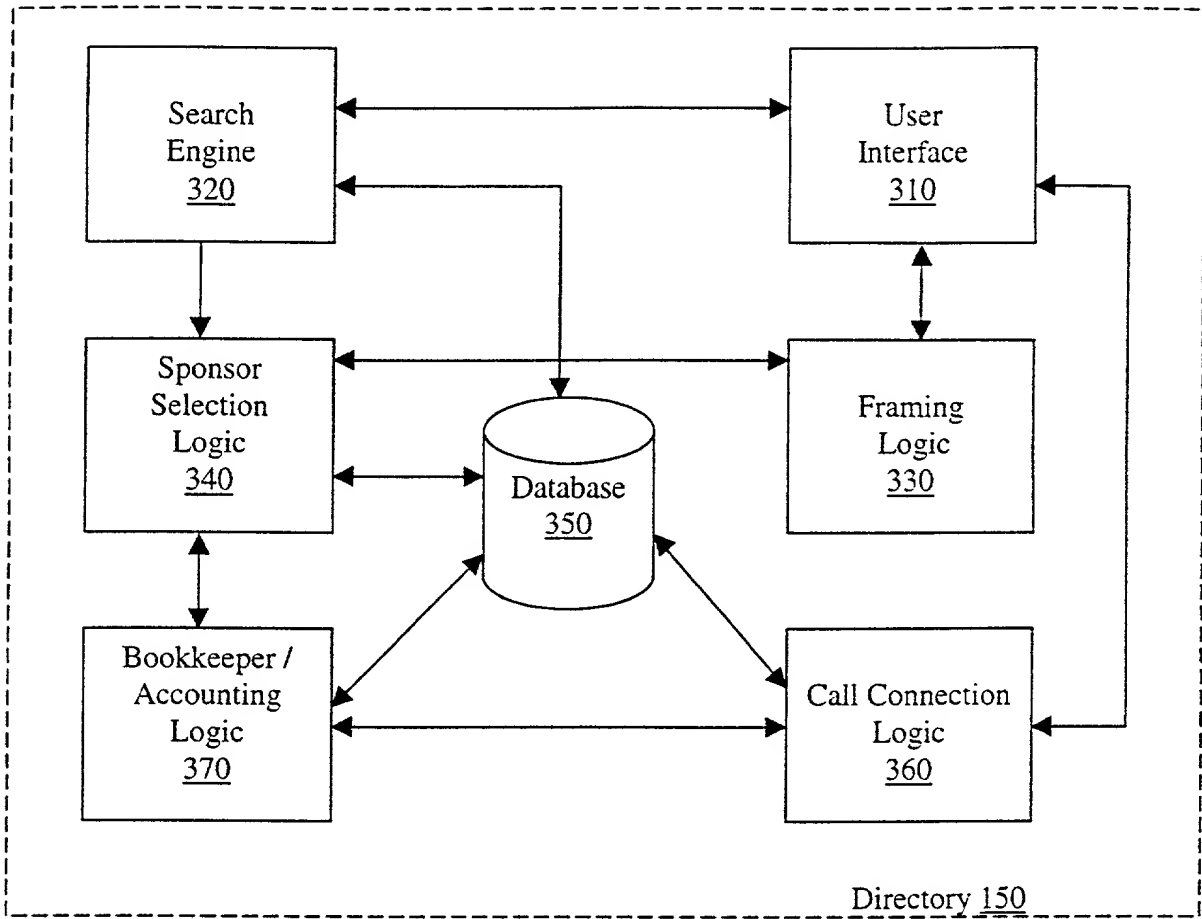


Figure 3

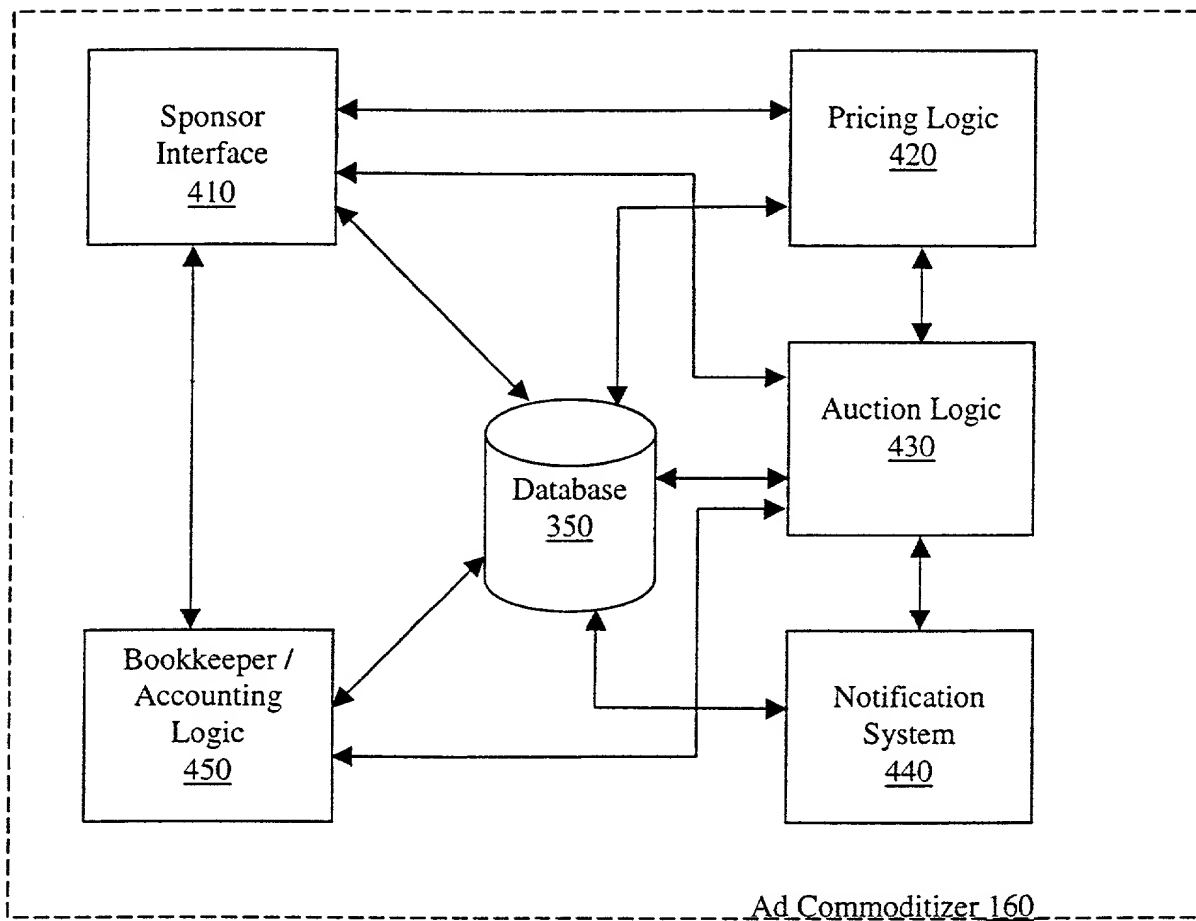


Figure 4

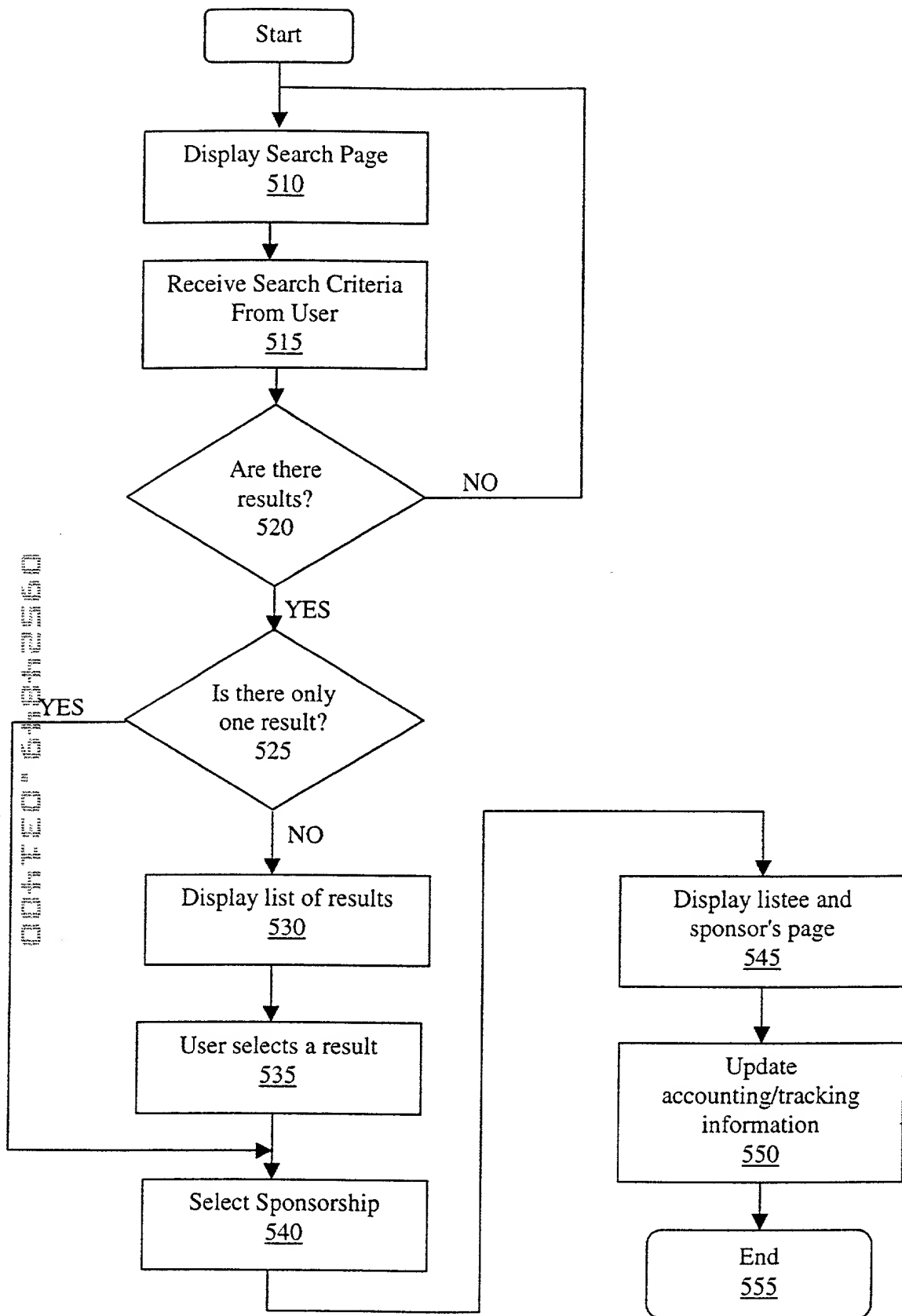


Figure 5

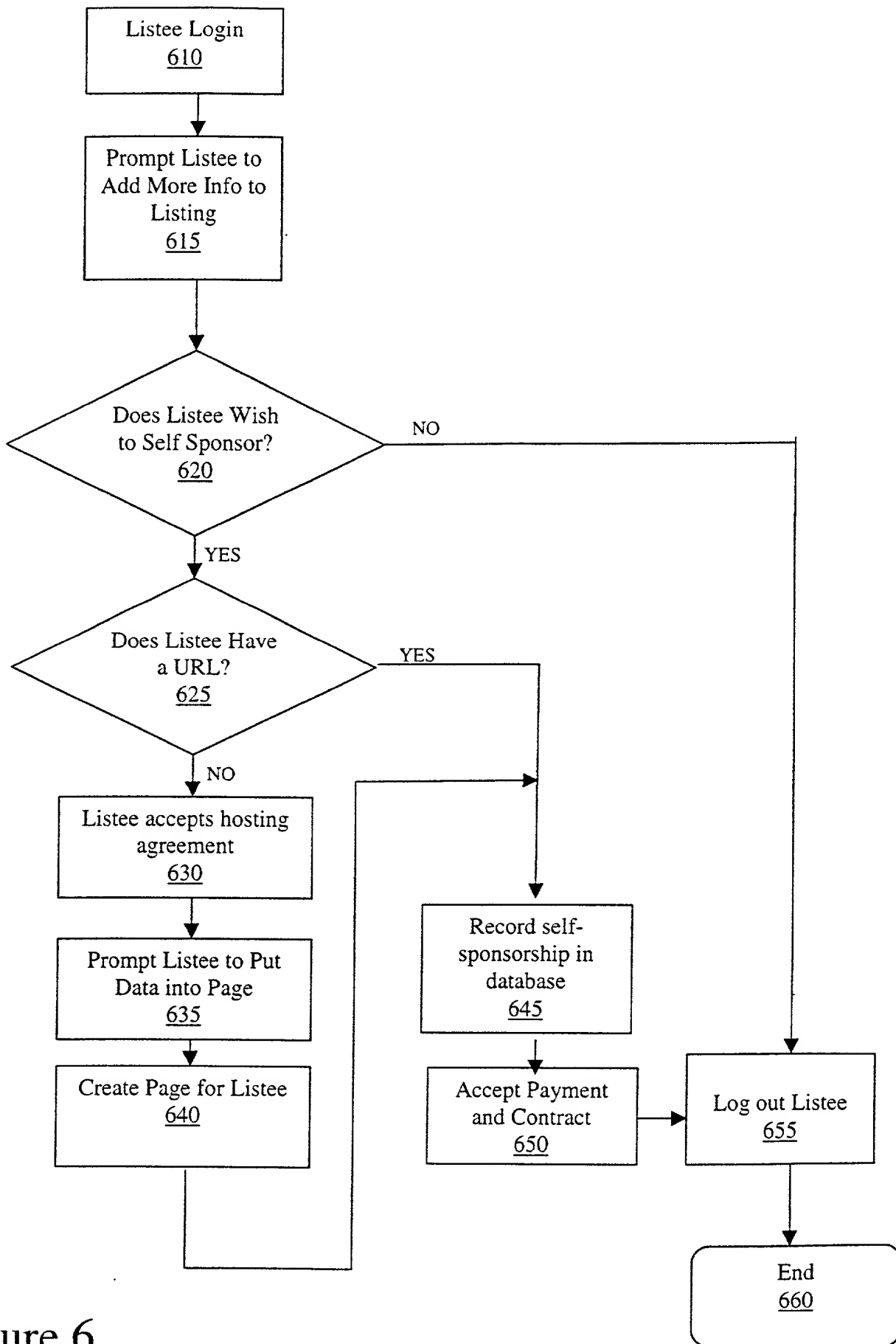


Figure 6

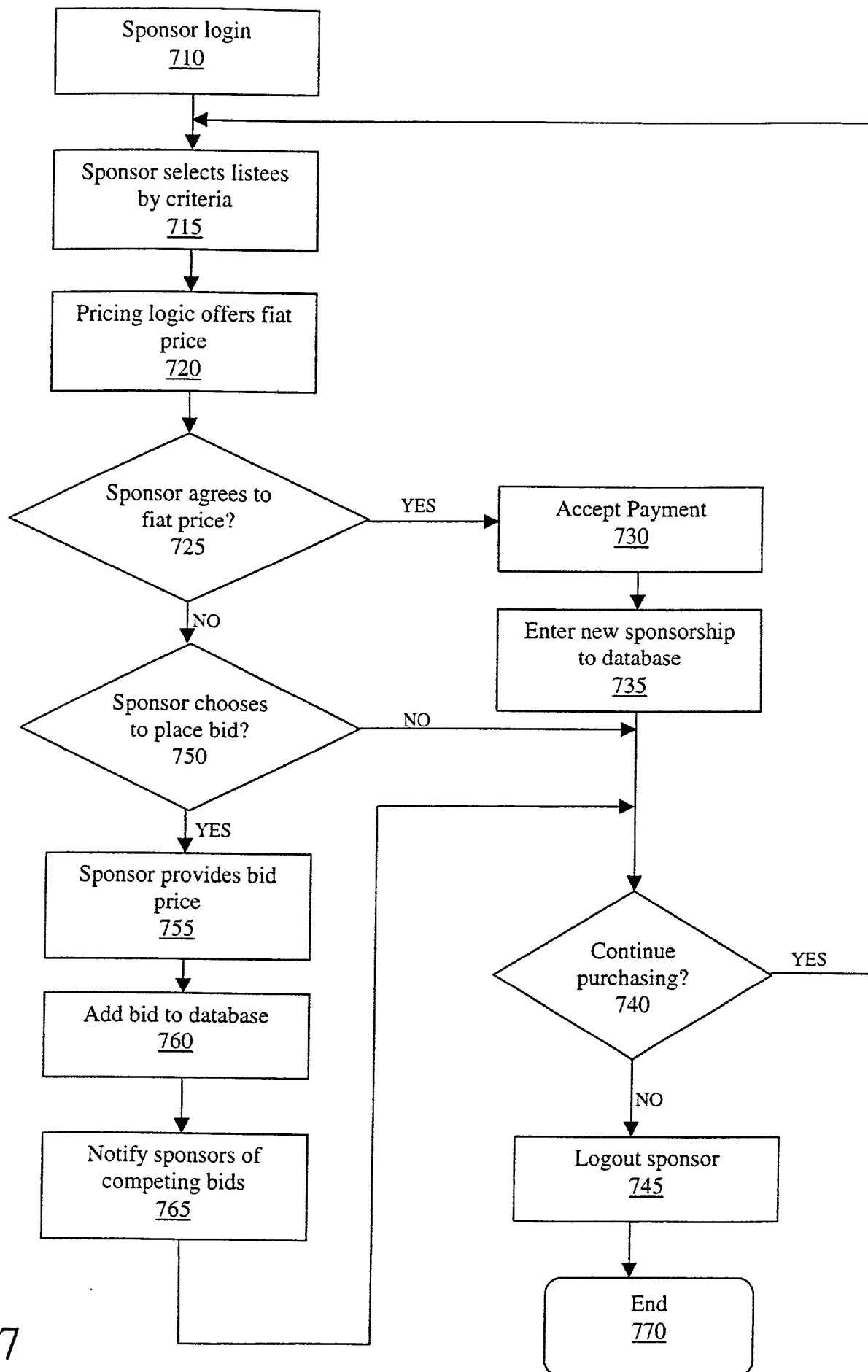
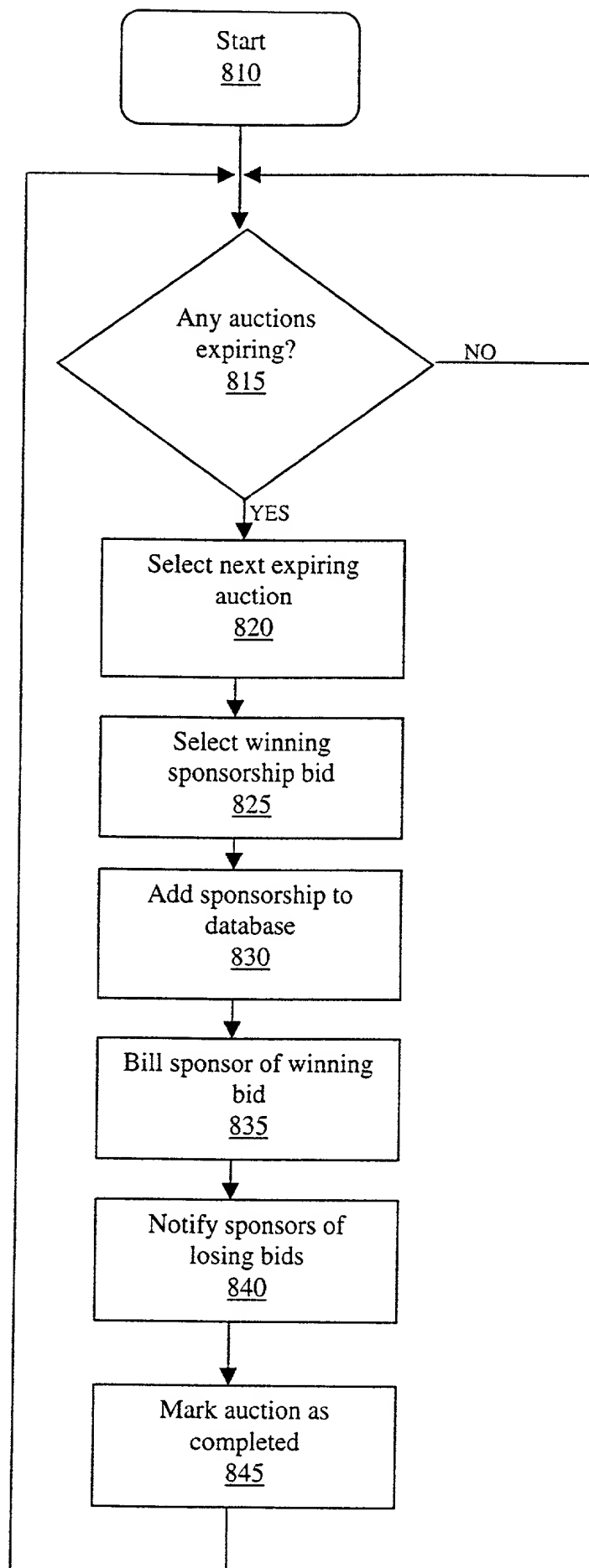


Fig. 7

Fig 8A



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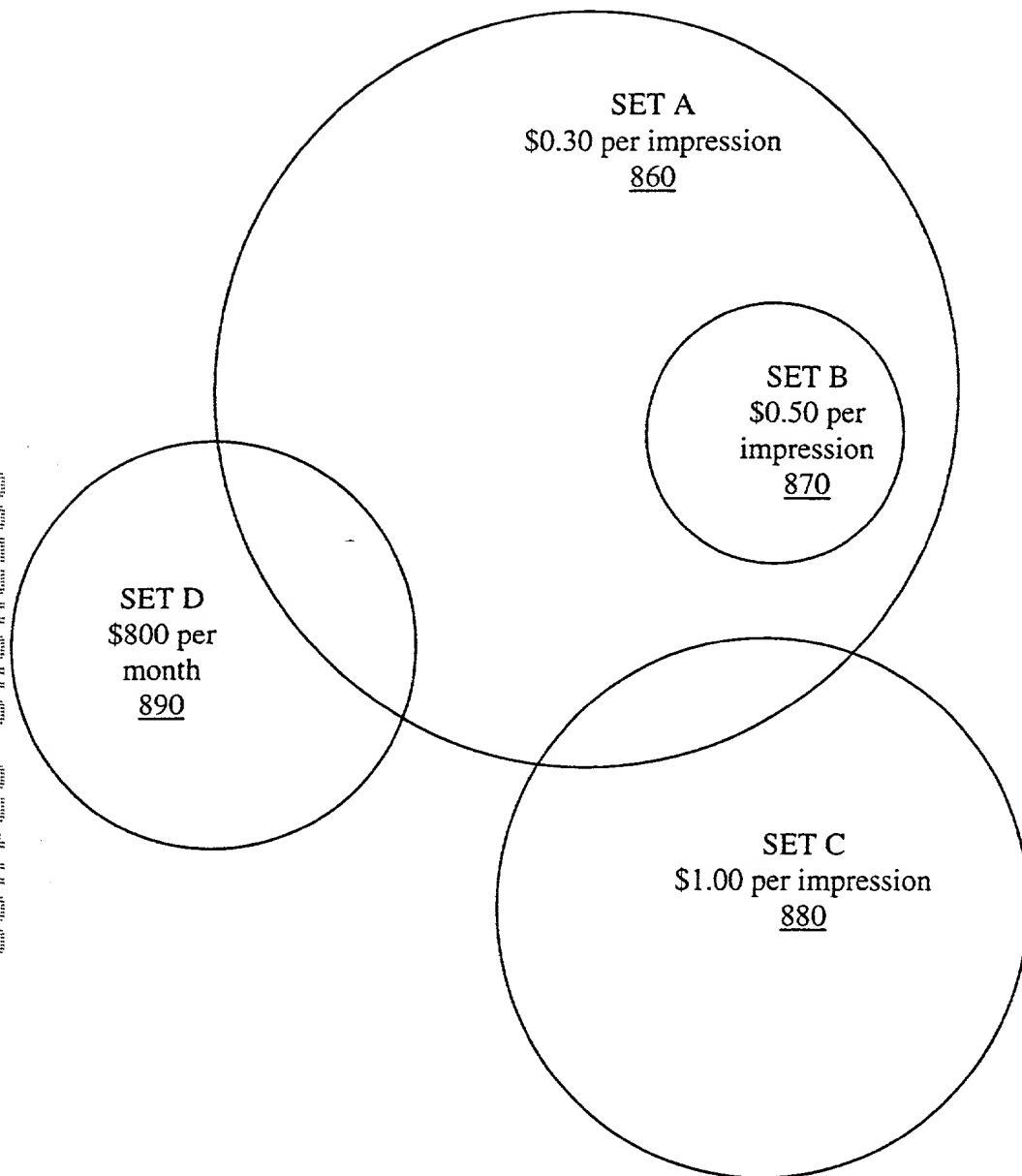


Figure 8B

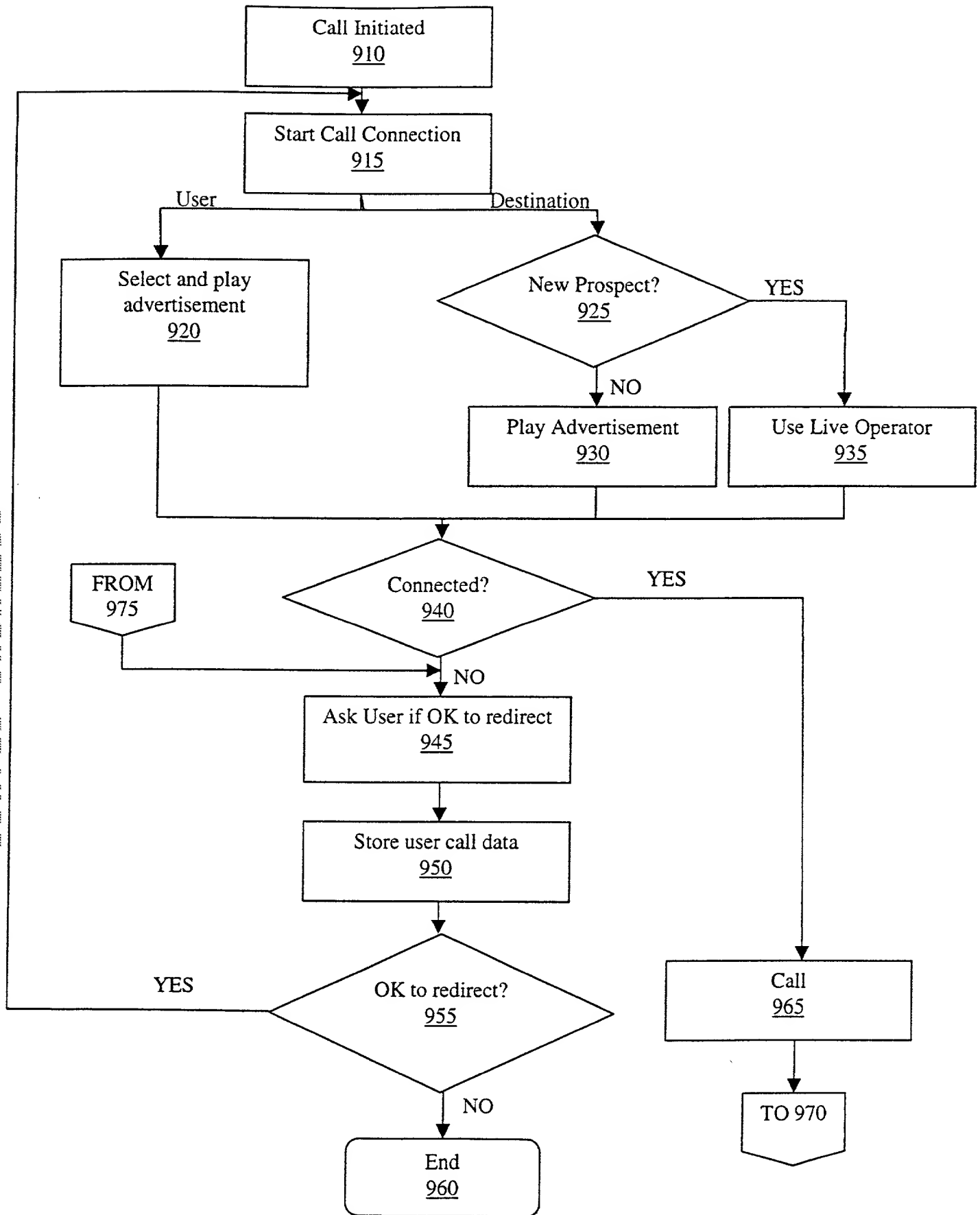


Figure 9A

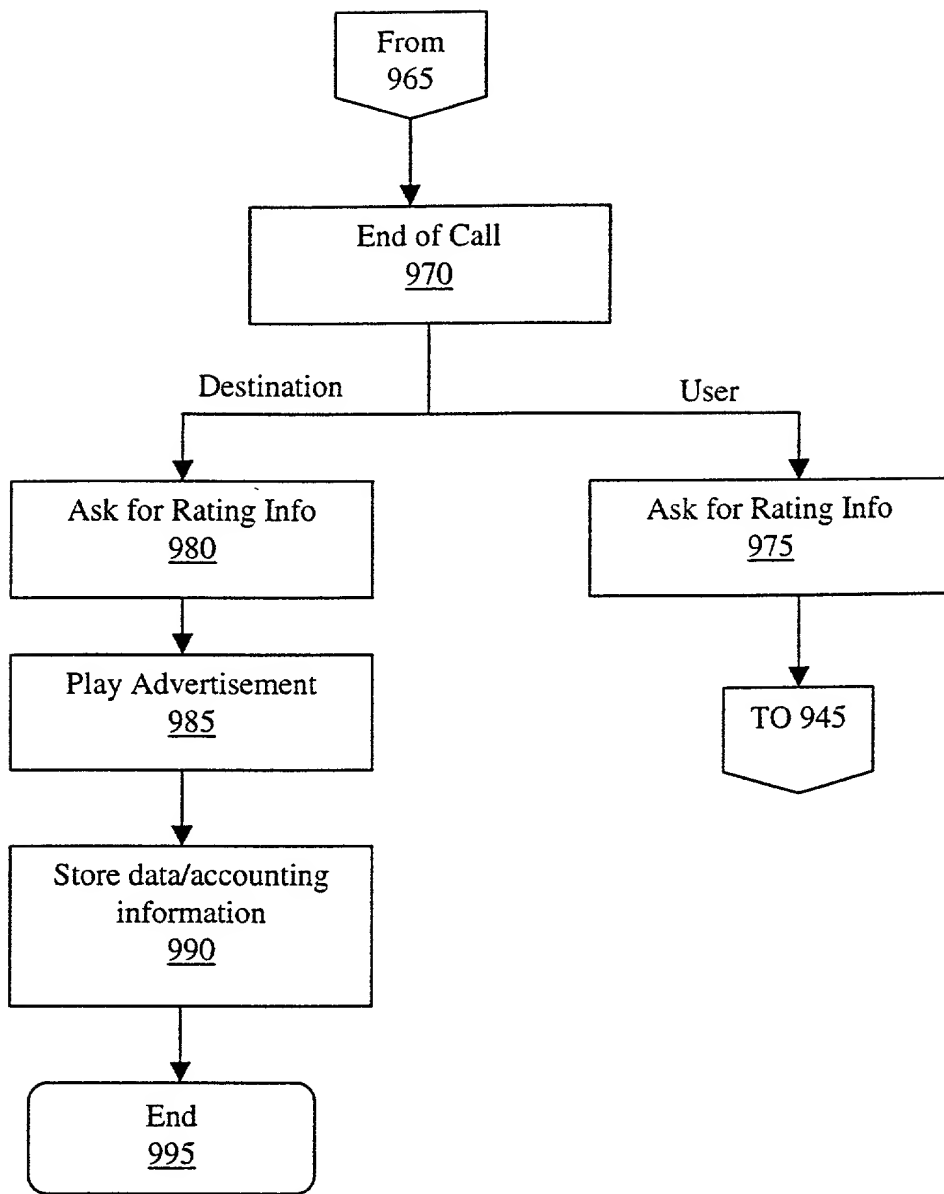


Figure 9B

Aerosoles

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Address C:\DEMO PAGES\search.results.html

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GO Add or Edit Your Listing

Business name City, Zip or Area Code State

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Anna Detail Store 1341 Stockton St, San Francisco, CA 94138		300	●	★	W	C	S
Arthur Beren Shoes 222 Stockton St, San Francisco, CA 94108	CALL	100		★	W	C	
Arthur Beren Shoes Inc 111 Maiden Ln # 402, San Francisco, CA 94108		100		★	W	C	
Arvael Inc 105 Grant Ave, San Francisco, CA 94108							
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Athlete's Foot 43 Serramonte Ctr, Daly City, CA 94015		100	●	★		C	S

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FIG. 10



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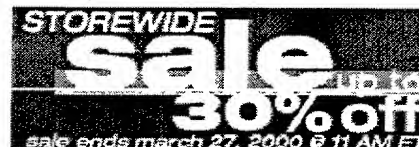
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Backstreet Boy A.J. McLean To Play Solo Show

Strep Throat Silences Blink-182

FIG.11



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FIG. 12

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

A METHOD AND APPARATUS FOR PROVIDING SPONSORSHIP FOR A DIRECTORY

the specification of which

XX is attached hereto.
_____ was filed on _____ as
United States Application Number _____
or PCT International Application Number _____
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

004460" 64342360

Prior Foreign Application(s)

Priority
Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<u>Yes</u>	<u>No</u>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<u>Yes</u>	<u>No</u>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<u>Yes</u>	<u>No</u>

I hereby claim the benefit under title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

<u>60/124,693</u> (Application Number)	<u>March 15, 1999</u> Filing Date
_____ (Application Number)	_____ Filing Date

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

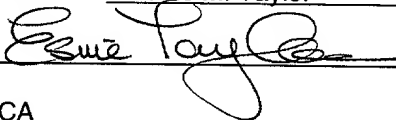
_____ (Application Number)	_____ Filing Date	_____ (Status -- patented, pending, abandoned)
_____ (Application Number)	_____ Filing Date	_____ (Status -- patented, pending, abandoned)

I hereby appoint the persons listed on Appendix A hereto (which is incorporated by reference and a part of this document) as my respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

Send correspondence to Judith A. Szepesi, BLAKELY, SOKOLOFF, TAYLOR &
(Name of Attorney or Agent)
ZAFMAN LLP, 12400 Wilshire Boulevard 7th Floor, Los Angeles, California 90025 and direct
telephone calls to Judith A. Szepesi, (408) 720-8300.
(Name of Attorney or Agent)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor Esme M. Taylor

Inventor's Signature  Date 3.13.00

Residence Sausalito, CA (City, State) Citizenship U.S.A. (Country)

Post Office Address P.O. Box 1687
Sausalito, CA 94966

004460 64942560

APPENDIX A

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APPENDIX B

Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.